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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Graff et al.

Serial No. 10/627,451

Filed: July 25, 2003

For: *Colorectal Neoplasia*

Group Art Unit: 1623

Examiner: Khare, Devesh

Attorney Docket No. UTSD:0980

CERTIFICATE OF TRANSMISSION

I hereby certify that this corr is being transmitted by facsimile to the
Comm for Patents 703-872-9306 on June 24, 2004.

Signature

Richard Aron Osman

RESPONSECommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Khare:

Thank you for the Action dated Feb 25, 2004.

Restriction

Applicants confirm election of group II, and request reconsideration of the restriction. Group I consists of dependent claims 18-20 which recite a kit for delivering an aminoglycoside antibiotic having poor gut absorption, the kit comprising an aminoglycoside antibiotic having poor gut absorption, and an associated instructional medium describing use of the antibiotic in a claimed method. As such, these three claims depend for patentability on the corresponding method claims, and should require no additional search burden.

35USC112, second paragraph (specification): Claim 1-17

The claims require, inter alia, the step of (a) determining a patient is subject or predisposed to colorectal neoplasia. The claims and specification are directed to those skilled in the art; in particular those skilled at diagnosing and treating patients with colorectal neoplasia. Hence, those skilled in the art already know how to determine if a patient is subject or predisposed to colorectal neoplasia – that is their professional expertise. The claim is not